

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

JESSICA JAUCH

PLAINTIFF

VERSUS

NO. 1:15CV75-SA-RP

CHOCTAW COUNTY, ET AL.

DEFENDANTS

DECLARATION OF VICTOR I. FLEITAS

I, Victor I. Fleitas, submit this Declaration pursuant to 28 U.S.C. § 1746.

1. I have expended a total of 226 work hours and 20.2 travel hours in this litigation. I have incurred \$3,099.96 in out of pocket expenses in this litigation. Costs in this civil action amount to \$462.16. The hours expended by me are detailed and set forth in the attached Attorney's Fee, Costs, and Expenses sheet attached hereto as Exhibit "1."

2. This case involved what counsel originally thought was a fairly straightforward proposition regarding the due process rights of a detainee subjected to a prolonged detention without appearing before a judge. As it turned out, this case involved a novel and difficult legal question which gave clarity to and solidified the contours of a detainee's due process rights to a prompt appearance before a judge.

3. Federal civil rights litigation of this sort, in the context of a detainee's due process rights, is legally and intellectually challenging and requires above-average legal acumen to litigate properly.

4. I did not defer the acceptance of some other cases because of the acceptance of this case.

5. Almost all of the litigation I undertake is on a contingent fee basis or a flat fee basis in criminal cases. The cases I handle on an hourly basis are few and far between. When asked by a prospective client about my hourly rate, I quote a fee of \$325.

6. I have a contingent fee agreement with Ms. Jauch. The contingency fee is tiered, with the client paying a 25% contingent fee on any recovery if the case settles before filing suit; 33 1/3% percent if the case settles at or prior to the Case Management Conference; 40% if the case settles at or prior to the Pretrial Conference; and 45% after the Pretrial Conference. Ms. Jauch is responsible for all expenses incurred. Any separate award of an attorney's fee to me is treated as part of the recovery and split with the client in accordance with the contingent fee agreement.

7. There were no time limitations imposed by the client or the circumstances.

8. This case was completely successful. The Court entered partial summary judgment in favor of Ms. Jauch on the issue of liability, and the jury awarded a total of \$250,000.00 in damages. This is an excellent outcome.

9. I graduated from Florida International University with a B.A. in International Relations, on August 13, 1992. I graduated from the University of Mississippi School of Law with a J.D., *Cum Laude*, on December 21, 1995.

10. Between December 1995 to April 30, 1996, I worked as a law clerk at Waide Law Office. From May 1, 1996 to December 31, 1997, I worked as an associate at Waide Law Office - Waide & Chandler. From January 1, 1998 to December 31, 2000, I worked as a partner at Waide, Chandler & Fleitas. From January 1, 2001 to the present, I have worked as a solo-practitioner, at Victor I. Fleitas, P.A.. My law practice has always been located in Tupelo, Mississippi.

11. Since 1998, I have lectured frequently on employment law, civil rights law, and criminal law, in continuing legal education courses and panel discussions throughout Mississippi.

12. Since May 1, 1996 I have participated as lead counsel or second chair in over fifty federal district court and state circuit court trials. In that time, I have argued fourteen appellate arguments before the Mississippi Court of Appeals, the United States Court of Appeals for the Fifth Circuit and the United States Court of Appeals for the Sixth Circuit.

13. I argued Reeves v. Sanderson Plumbing Prod., Inc., 197 F.3d 688 (5th Cir. 1999), rev'd, 530 U.S. 133 (2000), before the Fifth Circuit Court of Appeals and was counsel on the briefs before the United States Supreme Court. Reeves is considered one of the seminal employment discrimination decisions from the United States Supreme Court in the last decade.

14. I served in the United States Air Force Reserves from 1986-1994 as an aircraft armament systems specialist on F-4 Phantoms and F-16 Falcons.

15. A full description of my education, employment, and legal background is attached hereto as Exhibit "2."

16. Though the case was in no way undesirable, in general detainee litigation is considered highly undesirable because of the negative public perception of incarcerated persons as somehow less than human and not fully entitled to the benefits of polite society. Personally, Ms. Jauch was in no way an undesirable client. Professionally, Ms. Jauch proved a challenging client.

17. I began my professional relationship with Ms. Jauch on, or about, May 23, 2013.

18. The attorney's fee requested in this case is entirely reasonable and consistent with fee awards in other civil rights cases in this judicial district where the matter has been fully heard on appeal, and the defendants subsequently filed a Petition for Rehearing *En Banc*, and a Petition for *Certiorari*.

19. An hourly rate of \$325.00 per hour for legal services, in Tupelo, Mississippi, in civil rights cases, is fair and reasonable for an attorney with almost twenty three years of litigation, trial, and appellate experience in employment, employment discrimination, civil rights, and criminal cases.

20. An hourly rate of \$325.00 per hour for legal services in this civil rights matter is fully justified by prior hourly rates approved by courts in other cases: In Paul v. CMC Mfg., Inc., 1:96CV321-JAD (N.D. Miss. August 6, 1998), the court approved an hourly rate of \$110.00 for the undersigned counsel. In Reeves v. Sanderson Plumbing Prod., Inc., 1:96CV197-S-D (N.D. Miss. May 14, 2001), the court approved an hourly rate of \$125.00 for the undersigned counsel. In McGee v. Brinson, 1:99CV157-SAA (N.D. Miss. May 17, 2001), the court approved an hourly rate of \$125.00 for the undersigned counsel. In Brotchner v. Federal Express Corp., 2:04CV2419-M (W.D. Tenn. Dec. 14, 2006), the court approved an hourly rate of \$225.00 for the undersigned counsel. In Seale v. Mitchell, No. 3:08CV105-P-A (N.D. Miss. 2011), the court approved an hourly rate of \$200.00 for the undersigned counsel. In Williams v. Hampton, No. 4:08CV163-A-V (N.D. Miss. 2012), the court approved an hourly rate of \$187.50 for the undersigned counsel, pursuant to the Prison Litigation Reform Act.

21. The hourly fee requested is supported by the Declaration of Jim Waide, attached hereto as Exhibit "3," and the Declaration of Cliff Johnson, attached hereto as Exhibit "4."

I declare under penalty of perjury that the above and foregoing is true and correct.

Executed on April 16, 2019.

/s/ Victor I. Fleitas

VICTOR I. FLEITAS

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

JESSICA JAUCH

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DEFENDANTS

ATTORNEY'S FEE, COSTS AND EXPENSES

ATTORNEY'S FEE

DATE	DESCRIPTION	HOURS
05/24/13	Conference w/ Jim Waide; Review Letter Re: Conflict of Interest, Draft of Complaint, Draft of Notice of Claim	2.00
06/03/13	Draft Letter Re: Mississippi Public Records Act Request for Surveillance Video	.50
03/21/15	Review Circuit Court Case File; Research Case Law Re: Prolonged Detention; Research Mississippi Statutes and Court Rules Re: Initial Appearance, Arraignment, Duties of Sheriff	2.00
04/20/15	Draft Complaint, Summons in a Civil Action, Civil Cover Sheet	3.00
04/21/15	Review Complaint, Summons Issued	.10
04/30/15	Draft Notice of Lawsuit and Request to Waive Service of a Summons and Waiver of the Service of Summons	.20
05/27/15	Review Entry of Appearance, Answer & Affirmative Defenses	.50
05/28/15	Review Rule 16 Initial Order	.20
06/11/15	Draft and Read Emails Re: Attorney Conference	.20
06/16/15	Draft Email to Griffith Re Attorney Conference	.10

06/26/15	Draft Proposed CMO, Draft and Read Emails Re: CMO and Attorney Conference	1.00
06/29/15	Finalize Proposed CMO; Draft Email Re: CMO	.50
07/02/15	Research Mississippi Case Law, Statutes and Rules Re: Duties of Sheriff; Draft Settlement Memorandum; Draft Email Re: Settlement Memorandum	2.00
07/14/15	Draft and Read Emails Re: Legal Issues in the Case, Settlement	.50
07/15/15	Read Email Re: Pre-Discovery Disclosure Information and Documents, Review Notice of Service, Review Defendants' Pre-Discovery Disclosure Information and Documents	2.00
07/15/15	Review & Respond to Emails Re: Settlement Negotiations	.50
07/16/15	Attend Case Management Conference; Review Entry of Appearance; Review Civil Minutes; Review Case Management Order	1.50
	Travel Round-trip to Oxford	2.00
07/31/15	Draft and Read Emails Re: Attorney Conference, Stipulated Facts	.30
08/03/15	Review Plaintiff's Pre-Discovery Disclosure Documents; Draft Plaintiff's Pre-Discovery Disclosure Information; Draft Notice of Service	3.00
08/11/15	Review Notice of Setting Trial	.10
08/13/15	Draft Email to Griffith Re: Attorney Conference	.10
08/17/15	Review Order Governing Pretrial Conference and Notice of Setting Pretrial Conference	.20
11/19/15	Research Mississippi Statutory Law, Attorney General Opinions Re: Duty to Take Offender Before Judicial Officer	1.00
01/10/16	Read Email from Client	.10

03/03/16	Review Notice of Withdrawal of Counsel	.10
05/13/16	Read Email Re Stipulated Facts, Motion Practice, Case Deadlines	.10
05/24/16	Read and Edit Stipulated Facts; Draft and Read Emails Re: Stipulated Facts, Motion to Extend CMO Deadlines	2.00
06/01/16	Draft and Read Emails Re Stipulated Facts and Motion to Extend CMO Deadlines	.20
06/03/16	Draft and Read Emails Re: Motion to Extend CMO Deadlines, Proposed Order; Review Motion to Extend CMO Deadlines	.50
06/06/16	Review Emails Re: ECF Down and Motion to Extend CMO Deadlines; Review Order Re: Motion to Extend CMO Deadlines	.20
06/16/16	Review Exhibits to Stipulated Facts, Draft and Read Emails Re: Exhibits to Stipulated Facts	.50
06/17/16	Draft and Read Emails Re: Exhibits to Stipulated Facts, Declaration of Debra Odom; Review Exhibits to Stipulated Facts, Confer w/ Debra Odom Re Declaration of Debra Odom; Research: Draft Motion for Partial Summary Judgment, Memorandum in Support of Motion for Partial Summary Judgment	8.00
06/18/16	Research; Draft Motion for Partial Summary Judgment, Memorandum in Support of Motion for Partial Summary Judgment	8.00
06/19/16	Research; Draft Motion for Partial Summary Judgment, Memorandum in Support of Motion for Partial Summary Judgment	4.00
06/20/16	Draft and Review Emails Re Stipulated Facts; Review and Edit Stipulated Facts and Exhibits, Review Motion for Summary Judgment, Memorandum in Support of Motion for Summary Judgment, Stipulated Facts and Exhibits; Research; Draft Motion for Partial Summary Judgment, Memorandum in Support of Motion for Summary Judgment	13.00
06/21/16	Review Notice of Appearance by Luciano; Review Stipulated Facts filed	

	by Defendant for Motion for Summary Judgment, Motion for Partial Summary Judgment, Memoranda in Support; Review Notice of Correction of Stipulated Facts	.10
07/05/16	Draft and Review Emails Re: Filing Responses to Motions, Extensions of Time	.20
07/07/16	Draft and Review Emails Re: Responses to Motions, Extension of Time, Motion Hearing; Review Response in Opposition to Motion for Partial Summary Judgment; Draft and File Motion for Extension of Time to Respond to Motion for Summary Judgment and Proposed Order	1.50
07/13/16	Review NEF Re: Order Granting Motion for Extension of Time to Respond to Motion for Summary Judgment	.10
07/18/16	Draft Response in Opposition to Motion for Summary Judgment, Memorandum in Opposition to Motion for Summary Judgment	7.00
07/19/16	Draft Response in Opposition to Motion for Summary Judgment, Memorandum in Opposition to Motion for Summary Judgment	4.00
07/20/16	Draft Response in Opposition to Motion for Summary Judgment, Memorandum in Opposition to Motion for Summary Judgment	4.00
07/22/16	Conference w/ Griffin Re: Case Status and Oral Argument on Summary Judgment Motions; Read Email Re: Griffith Conference w/ Chambers	.50
08/24/16	Draft Pretrial Order	4.00
08/25/16	Draft Pretrial Order, Draft and Read Emails Re: Pretrial Order	3.00
08/26/16	Draft and Read Emails Re: Pretrial Order, Report Re: ADR; Draft Pretrial Order, Draft Report Re: ADR	2.00
08/29/16	Review Motion to Withdraw as Counsel, Order Granting Motion to Withdraw as Counsel	.10

08/30/16	Draft and Read Emails Re: Continuing Pretrial Conference, Motion to Withdraw as Counsel	.50
09/20/16	Review Court's General Jury Instructions, Exhibit Form	.20
09/23/16	Draft Plaintiff's Proposed Jury Instructions	6.00
09/30/16	Review Order Denying Motion for Partial Summary Judgment, Memorandum Opinion; Conference w/ Griffith	1.50
10/17/16	Draft Notice of Appeal	.50
10/21/16	Review Letter Re: Docketing of Appeal	.10
10/26/16	Review Letter Re: Briefing Notice	.10
11/10/16	Review Letter Re: Circuit Mediation Program	.10
11/15/16	Draft Attorney Appearance Form as Lead Counsel	.10
11/17/16	Review Attorney Appearance Forms for Griffith, Luciano	.10
11/21/16	Draft Request for Additional Time to File Brief of Appellant; Review Clerk's Order Granting Additional Time to File Brief of Appellant	.50
11/29/16	Draft and Read Emails Re: Scheduling Initial Conference with Circuit Mediation Program	.20
12/01/16	Conference Re: Circuit Mediation Program	
12/17/16	Research; Review Case Law; Draft Brief for the Appellant	4.00
12/18/16	Research, Review Case Law, Draft Brief for the Appellant	4.00
12/19/16	Draft Brief for the Appellant, Record Excerpts	14.00
12/20/16	Review Letter Re Insufficient Brief, Review Letter Re: Insufficient Record Excerpts	.10

12/22/16	Review Letter Re: Insufficient Brief; Review Letter Re: Insufficient Record Excerpts	.10
12/27/16	Review Notice Re: Paper Copies of Brief of Appellant Received by Court	.10
01/18/17	Review Unopposed Motion for Additional Time to File Brief of Appellee, Letter Re: Motion for Additional Time	.10
01/18/17	Review Clerk's Order Granting in Part Motion to Extend Time to File Appellee's Brief	.10
02/01/17	Review Unopposed Motion for Additional Time to File Brief of Appellee	.10
02/02/17	Review Amended Unopposed Motion for Additional Time to File Brief of Appellee, Order Granting Unopposed Motion to Extend Time to File Appellees' Brief	.10
02/09/17	Review Attorney Appearance Form for Bailey; Review Brief of Appellee	1.00
02/20/17	Review Notice Re: Paper Copies Appellee's Brief Received by Court	.10
02/23/17	Draft & File Reply Brief for the Appellant	13.50
02/24/17	Review Letter Re: Reply Brief Sufficient	.10
03/02/17	Review Notice Re: Paper Copies of Appellant Reply Brief Received by Court	.10
03/30/17	Review Notice Re: Certified Record Transmitted to USCA	.10
04/07/17	Review Email Re: Case Tentatively Calendared for Oral Argument	.10
04/14/17	Review Email Re: Case Calendared for Oral Argument; Conference w/Client Re: Date for Oral Argument	.20

05/11/17	Draft Acknowledgment of Oral Argument	.10
06/02/17	Review Letter Re: Manuel v. City of Joliet, 137 S. Ct. 911 (2017)	.10
06/05/17	Research Manuel v. City of Joliet, 137 S. Ct. 911 (2017) Re: Applicability to <i>Jauch v. Choctaw County</i>	1.00
06/06/17	Travel to Memphis	1.60
	Air Travel to Houston	3.00
	Public Transportation to Hotel	1.00
	Appellate Argument Preparation	2.00
06/07/17	Appellate Argument Preparation; Oral Argument	2.50
06/08/17	Travel by Public Transportation to Airport	1.00
	Air Travel to Memphis	3.00
	Travel to Tupelo	1.60
10/24/17	Review Opinion; Conference w/ Client Re: Opinion	1.00
11/07/17	Review Petition for Rehearing <i>En Banc</i>	1.00
11/08/17	Review Letter Re: Petition for Rehearing <i>En Banc</i> Insufficient	.10
11/09/17	Review Letter Re: Petition for Rehearing <i>En Banc</i> Made Sufficient	.10
11/15/17	Review Notice Re: Paper Copies of Petition for Rehearing <i>En Banc</i> Received by Court	.10
11/22/17	Review Court Directive Requesting a Response to the Petition for Rehearing <i>En Banc</i>	.10
12/03/17	Draft Response in Opposition to Petition for Rehearing <i>En Banc</i>	4.00

12/04/17	Draft Response in Opposition to Petition for Rehearing <i>En Banc</i>	9.00
03/29/18	Review Denial of Rehearing <i>En Banc</i>	.50
04/06/18	Review Mandate	.10
04/09/18	Review USCA Judgment, Reversing District Court and Remanding	.10
06/27/18	Review Affidavit of Service & Certificate of Compliance, Petition for Writ of Certiorari	2.00
07/03/18	Review Notice Re: Case Reassigned to Judge Percy	.10
07/03/18	Review Letter from Griffith Re Docketing of Petitioner's Brief in the U.S. Supreme Court	.10
07/09/18	Draft Waiver Form; Draft Email Re: Waiver Form	.10
08/16/18	Review Letter Requesting Response to Petition	.10
08/17/18	Draft and Read Emails from Michael T. Kirkpatrick Re: Offer to Co-Counsel by Public Citizen Litigation Group	.10
08/19/18	Draft Email to Kirkpatrick Re: Response to Petition, Documents for Review	.50
08/20/18	Draft and Read Emails Re: Response to Petition; Conference w/ Kirkpatrick	1.00
08/21/18	Conference with Client	.20
08/24/18	Read E-mail Re: Request to Co-Counsel from Neal Katyal	.10
08/27/18	Review and Return Letter to Kirkpatrick Re: Co-Counsel Agreement	.20
09/05/18	Review Letter Re: Request for Extension of Time to File Response to Petition	.10

09/07/18	Review Letter Granting Extension of Time to File Response to Petition	.10
10/10/18	Review and Edit Response to Petition	1.00
10/11/18	Edit Response to Petition; Draft and Read E-mails Re: Legal Issues, Legal Precedent Cited in Petition	1.00
10/15/18	Read Amended Opinion in <i>Moya v. Garcia</i> ; Edit Response to Petition	2.00
10/16/18	Review and Edit Response to Petition	1.00
10/17/18	Review Affidavit of Service and Certificate of Compliance, Printing Costs Estimate for Brief from Cockle Legal Briefs	.10
11/27/18	Review Order Granting Motion for Partial Summary Judgment, Notice of Setting Trial	.10
11/28/18	Review Notice of Setting Pretrial Conference, Order Governing Pretrial Conference	.10
12/10/18	Review Denial of <i>Certiorari</i> ; Draft and Review Emails Re: Denial of <i>Certiorari</i>	.20
02/12/19	Draft and Review Emails Re: Pretrial Order	.20
02/13/19	Draft and review Emails Re: Pretrial Order, Edit Pretrial Order	1.00
02/14/19	Edit Pretrial Order; Draft and Review Emails Re: Pretrial Order, Declarations Page	.70
02/15/19	Draft and Review Emails Re: Pretrial Order	.20
02/18/19	Draft Emails Re: Pretrial Order	.20
02/19/19	Attend Pretrial Conference; Draft Emails Re: Pretrial Order	4.00
	Travel Round Trip to Oxford	2.00

02/20/19	Review Civil Minutes, Notice of Setting	.10
02/26/19	Review and Draft Emails Re: Attorney's Fee Estimate, Rescheduling Settlement Conference; Review Notice of Setting	.20
02/28/19	Review and Draft Emails Re: Attorney's Fee Estimate	.20
03/05/19	Edit Pretrial Order; Draft Email Re: Pretrial Order; Attend Status Conference; Review Civil Minutes; Review Email from Court Re: Pretrial Information; Read Pretrial Information	1.30
03/07/19	Draft Confidential Settlement Memorandum; Draft Email Re: Settlement Memorandum	1.00
03/08/19	Research Re: Damages Awards and Jury Instructions for Unlawful Detention Cases; Edit Jury Instructions; Review Defense Jury Instructions: Review Emails Re: Jury Instructions	2.00
03/11/19	Draft and Review Emails Re: Hartford Letter and Damages Assessment	.50
03/12/19	Draft and Review Emails Re: Declarations in Support of Motion for Attorney's Fee, Attorney's Fee Estimate	.50
03/13/19	Draft and Review Emails Re: Declarations in Support of Motion for Attorney's Fee; Research Court Opinions Re: Attorney's Fee Awards, Read Declarations of Jim Waide and Cliff Johnson	1.00
03/14/19	Draft and Review Emails Re: Kirkpatrick Attorney's Fee; Attend Settlement Conference	4.00
	Travel Round Trip to Oxford	2.00
03/15/19	Draft Email Re: Settlement of Attorney's Fee, Costs & Expenses; Trial Preparation; Draft Exhibit List	8.00
03/16/15	Trial Preparation	8.00

03/17/19	Trial Preparation; Draft and Review Emails Re Defendant's Exhibits	8.00
03/18/19	Trial Preparation; Draft and Review Emails Re: Denial of <i>Cert.</i> in <u>Moya v. Garcia</u> ; Trial; Review Proof of Service of Subpoena; Review Civil Minutes	10.00
	Travel Round Trip to Aberdeen	1.50
03/19/19	Trial Preparation; Trial; Review Witness List, Jury List Jury Instructions, Verdict Forms, Civil Minutes	9.00
	Travel Round trip to Aberdeen	1.50
03/20/19	Draft and Review Emails Re: Settlement of Attorney's Fee, Costs & Expenses	.20
03/26/19	Review Judgment; Draft and Review Emails Re: Payment of Judgment and IRS Form W-9; Prepare IRS Form W-9	.50
03/27/19	Draft and Review Emails Re: Payment of Judgment	.20
03/28/19	Draft and Review Emails Re: Payment of Judgment; Review NEF Re: Trial Exhibits	.20
04/03/19	Review Email Re Verdict Search Report Re: Jauch v. Choctaw County	
04/08/19	Draft and Review Emails Re: Settlement of Attorney's Fee, Costs & Expenses; Draft and Review Emails Re: Kirkpatrick Fee Request	.20
04/09/19	Draft and Review Emails Re: Extension of Time; Draft Motion for Extension of Time; Draft Motion for Extension of Time; Draft and Review Emails Re: Kirkpatrick Fee Request; Review Kirkpatrick Fee Request	.50
04/10/19	Review Order Re: Extension of Time to File Motion for Attorney's Fee, Costs & Expenses	.10
04/13/19	Draft and Review Emails Re: Satisfaction of Judgment; Draft Satisfaction of Judgment	.50

Total Hours 226

(226 hours x \$325 per hour = \$73,450.00)

Total Travel Hours 20.2

(20.2 hours x 162.50 per hour = \$3,282.50)

Total Attorney's Fee \$76,732.50

COSTS

07/16/15	Round Trip Tupelo to Oxford (110 miles x 57.5¢)	\$ 63.25
06/06/17	Tupelo to Memphis (100 miles x 53.5¢)	\$ 53.50
06/08/17	Memphis to Tupelo (100 miles x 53.5¢)	\$ 53.50
02/19/19	Round Trip Tupelo to Oxford (110 miles x 58¢)	\$ 63.80
03/14/19	Round Trip Tupelo to Oxford (110 miles x 58¢)	\$ 63.80
03/18/19	Round Trip Tupelo to Aberdeen (66 miles x 58¢)	\$ 38.28
03/19/19	Round Trip Tupelo to Aberdeen (66 miles x 58¢)	\$ 38.28
	Photocopy/Print Papers Necessarily Obtained for Use in the Case (351 pages x 25¢ per page)	\$ 87.75
	Total Costs	\$462.16

EXPENSES

04/20/15	Filing Fee District Court	\$400.00
10/17/16	Filing Fee Court of Appeals	\$500.00
12/23/16	Office Depot	\$125.76
02/28/17	Sprint Print	\$ 52.22

06/06/17 to 06/08/17	Airfare Round Trip to Houston, Texas and Lodging	\$723.10
06/06/17 to 06/08/17	Parking Memphis International Airport	\$ 18.00
06/06/17	Baggage Fee	\$ 25.00
	Public Transportation to Airport to Hotel	\$ 1.00
06/08/17	Public Transportation Hotel to Airport	\$ 1.00
	Baggage Fee	\$ 25.00
10/17/18	Cockle Printing	\$491.39
02/19/19	Parking	\$ 4.50
03/14/19	Parking	\$ 4.50
03/16/19 to 03/18/19	Lodging	\$376.92
03/18/19	Lodging	\$ 92.42
03/18/19	Witness Fee (Odom)	\$105.55
	Witness Fee (Gatlin)	\$ 76.80
	Wetness Fee (Ellington)	\$ 76.80
	Total Expenses	\$3,099.96

April 2019

VICTOR ISRAEL FLEITAS

Victor I. Fleitas, P.A.
452 North Spring Street
Tupelo, Mississippi 38804
Phone: (662) 840-0270
Fax: (662) 840-1047
fleitasv@bellsouth.net

EDUCATION

Florida International University, B.A., August 1992
Dean's List (Fall 1991, Spring 1992, Summer 1992)

University of Mississippi School of Law, J.D., *Cum Laude*, December 1995
Phi Kappa Phi Honor Society; Dean's List (Fall 1994); Vice-Chair Moot
Court Board; Finalist, Moot Court Oral Advocacy Competition; Winner,
Heidelberg & Woodliff Oral Advocacy Competition; National Moot Court
Competition Team; Earl W. DeHart Memorial Scholarship; Albert N.
Hopkins Scholarship; Harry L. Case Memorial Scholarship

EMPLOYMENT

Victor I. Fleitas, Attorney at Law (January 2001 to Present)

Partner, Waide, Chandler & Fleitas (January 1998 to December 2000); Associate,
Waide Law Office/Waide & Chandler (May 1996 to December 1997); Law Clerk,
Waide Law Office (December 1995 to April 1996)

MILITARY

United States Air Force Reserves (1986-1994)

ADMITTED TO BAR

Mississippi

ADMITTED TO PRACTICE

United States Supreme Court; United States Court of Appeals: Fifth Circuit, Sixth Circuit; United States District Court: Northern District of Mississippi, Southern District of Mississippi, Western District of Tennessee

MEMBER

Mississippi Bar Association); First Judicial District Bar Association (Treasurer 1999-2000); Lee County Bar Association (President 2002-03, Treasurer 2000-02); Mississippi Association for Justice; Lamar Order; American Civil Liberties Union

CLE SPEAKER

I speak frequently at Continuing Legal Education programs throughout Mississippi on the topics of Employment Law, Employment Discrimination, Civil Rights, and Criminal Law.

OTHER

Fluent in Spanish

FEDERAL DISTRICT COURT AND STATE CIRCUIT COURT TRIALS

- (1) Grimes v. Stanford,
No. 1:94CV262-D-D (N.D. Miss. 1996)
(Excessive Force, Wrongful Arrest)
- (2) Dismuke v. Wegaco, Inc.,
No. 1:95CV273-JAD (N.D. Miss. 1996)
(Age Discrimination)
- (3) Tucker v. Brumley,
No. 1:94CV338-D-D (N.D. Miss. 1996)
No. 1:95CV009-D-D (N.D. Miss. 1996)
(Jail Failure to Provide Medical Care)
- (4) Cox v. Swain,
No. 1:95CV211-JAD (N.D. Miss. 1996)
(Excessive Force)
- (5) Brown v. Caterpillar, Inc.,
No. 1:94CV248-S-D (N.D. Miss. 1996)
(Disability Discrimination)
- (6) Murray v. Red Kap Indus., Inc.,
No. 1:95CV257-D-D (N.D. Miss. 1996)
(Family and Medical Leave)
- (7) Vance v. Boyd Miss., Inc.,
No. 3:95CV728-BN (S.D. Miss. 1996)
(Pregnancy Discrimination, Retaliation)
- (8) Oldaker v. CMC Miss., Inc.,
No. 1:96CV040-LB-D (N.D. Miss. 1997)
(Religion Discrimination)
- (9) Drake v. Advance Constr. Serv., Inc.,
No. 1:95CV177-JAD (N.D. Miss. 1998)
(Wrongful Discharge Public Policy)

- (10) Burditt v. Kerr-McGee Chem. Corp.,
No. 1:96CV77-S-D (N.D. Miss. 1998)
(ERISA)

- (11) Cox v. Whitfield,
No. 1:96CV148-D-A (N.D. Miss. 1998)
(Jail Failure to Provide Medical Care, Wrongful Death)

- (12) Anderson v. Component Builders, Inc.,
No. 97-070 (Lee County Cir. Ct. 1998)
(Wrongful Discharge Public Policy, Breach of Oral Employment Contract)

- (13) Mask v. American Gen. Life & Accident Ins. Co.,
No. 1:97CV228-D-D (N.D. Miss. 1998)
(Disability Discrimination)

- (14) Wroten v. Childers,
No. 1:97CV99-B-D (N.D. Miss. 1998)
(First Amendment Retaliation)

- (15) Frazier v. Sartin,
No. 1:97CV15-D-D (N.D. Miss. 1999)
(Medical Negligence)

- (16) Bobo v. Gore,
No. 1:97CV110-D-D (N.D. Miss. 1999)
(Race Discrimination, Retaliation)

- (17) Brewer v. Board of Trustees,
No. 95-003 (Lafayette County Cir. Ct. 1999)
(Wrongful Discharge Breach of Employment Contract)

- (18) Baldwin v. Daniels,
No. 1:98CV141-D-D (N.D. Miss. 2000)
(First Amendment Retaliation, Procedural Due Process)

- (19) Collins v. Gilles,
No. 2:98CV2571-A (W.D. Tenn. 2000)
(Race Discrimination)

- (20) Watts v. Kroger Co.,
No. 1:95CV341-D-D (N.D. Miss. 2000)
(Sexual Harassment, Intentional Infliction of Emotional Distress)

- (21) Hunsucker v. Baptist Memorial Hosp.-N. Miss.,
No. 93-510 (Lafayette County Cir. Ct. 2000)
(Wrongful Discharge Breach of Implied Employment Contract)

- (22) Dallas v. Maher,
No. 1:98CV258-D-D (N.D. Miss. 2000)
(First Amendment Retaliation, Excessive Force)

- (23) Stockman v. Stallings,
No. 1:99CV182-D-D (N.D. Miss. 2000)
(Jail Rape Cruel and Unusual Punishment, Substantive Due Process)

- (24) Vatalaro v. Tishomingo County,
No. 1:99CV242-D-A (N.D. Miss. 2000)
(Fair Labor Standards Act)

- (25) Walls v. J. O. Hooker & Sons, Inc.,
No. 99-047 (Pontotoc Cir. Ct. 2000)
(Wrongful Discharge Public Policy)

- (26) Collins v. Shelby County, TN,
No. 2:98CV2571-A (W.D. Tenn. 2000)
(Title VII Retaliation)

- (27) McGee v. Miss. Dep't of Corrections,
No.1:99CV157-SAA (N.D. Miss. 2001)
(Race Discrimination)

- (28) Brown v. Packaging Corp. of Am.,
No. 1:00CV1049-T-B (W.D. Tenn. 2001)
(Age Discrimination)

- (29) Mabry v. United States,
No. 1:00CV225-JAD (N.D. Miss. 2002)
(Federal Tort Claims Act, False Arrest, Excessive Force)

- (30) State v. Barrett,
No. CR00-017 (Itawamba County Cir. Ct. 2002)
(Embezzlement)
- (31) State v. Montgomery,
No. CR02-258 (Lee County Cir. Ct. 2003)
(Embezzlement)
- (32) State v. Brownlee,
No. 8348 (Clay County Cir. Ct. 2004)
(Sale of Controlled Substance x 2)
- (33) State v. Sandefer,
No. CR04-839 (Lee County Cir. Ct. 2005)
(Burgary & Larceny)
- (34) State v. Gilland,
No. 2005-0079-CR1 (Lowndes County Cir. Ct. 2005)
(Aggravated Assault x 2)
- (35) State v. Dismuke,
No. CR05-010 (Lee County Cir. Ct. 2005)
(Grand Larceny)
- (36) State v. Martin,
No. 8672 (Clay County Cir. Ct. 2005)
(Sale of Controlled Substance)
- (37) State v. English,
No. CR05-079 (Itawamba County Cir. Ct. 2006)
(Sexual Battery x 2)
- (38) Brotchner v. Federal Express,
No. 2:04CV2419-Ma (W.D. Tenn. 2006)
(Disability Discrimination)
- (39) Betts v. Jones,
No. CV03-079(A)L (Lee County Cir. Ct. 2007)
(Intentional Infliction of Emotional Distress, Trespass)

- (40) Dilworth v. Tishomingo County,
No. 1:05CV327-D-D (N.D. Miss. 2007)
(Strip Search Unreasonable Search & Seizure)

- (41) State v. Edmonds,
No. 2003-0132-CR (Oktibbeha County Cir. Ct. 2008)
(Capital Murder)

- (42) Morphis v. Nolden,
No. 1:07CV123-JAD (N.D. Miss. 2009)
(Unreasonable Seizure/Excessive Force)

- (43) State v. Young,
No. UK07-132 (Union County Cir. Ct. 2009)
(Sexual Battery x3)

- (44) Seale v. Mitchell,
No. 3:08CV105-P-A (N.D. Miss. 2010)
(Unreasonable Search & Seizure, False Arrest, Malicious Prosecution)

- (45) State v. Davis,
No. 9293 (Clay County Cir. Ct. 2010)
(Embezzlement by Public Official)

- (46) Williams v. Hampton,
No. 4:08CV163-A-V (N.D. Miss. 2012)
(Failure to Protect from Inmate Violence)

- (47) State v. Ward,
No. CR10-738 (Lee County Cir. Ct. 2012)
(Depraved Heart Murder)

- (48) State v. Nunley,
No. CR13-148 (Prentiss County Cir. Ct. 2014)
(Felony Assault on a Teacher)

- (49) Ross v. Byrd,
No. 1:15CV93-HSO-JCG (S.D. Miss. 2016)
(Eighth Amendment Excessive Force)

- (50) McFarland v. Brooks,
No. 4:14CV90-DMB-RP (N.D. Miss. 2017)
(Eighth Amendment Conditions of Confinement)
- (51) Jones v. FXI, Inc.,
No. 1:15CV185-GHD-DAS (N.D. Miss. 2017)
(Intentional Infliction of Emotional Distress)
- (52) Jauch v. Choctaw County,
No. 1:15CV75-SA-RP (N.D. Miss. 2019)
(Fourteenth Amendment Due Process Prolonged Detention)

APPELLATE ARGUMENTS

- (1) Nagappa v. North Miss. Health Serv.,
No. 95-CA-01214-COA (Miss. App. 1996)
(Breach of Contract)
- (2) Drake v. Advance Constr. Serv., Inc.,
117 F.3d 203 (CA5 1997)
(Wrongful Discharge Public Policy)
- (3) Hopson v. Quitman County Hosp. & Nursing Home, Inc.,
126 F.3d 635 (CA5 1997)
(Family and Medical Leave Act)
- (4) Watts v. Kroger Co.,
170 F.3d 505 (CA5 1999)
(Sexual Harassment, Retaliation)
- (5) Shelton v. Town of Hickory Flat,
724 So. 2d 1075 (Miss. App. 1998)
(Wrongful Discharge Public Policy)
- (6) McCrary v. Wal-Mart Stores, Inc.,
755 So. 2d 1141 (Miss. App. 1999)
(Wrongful Discharge Breach of Implied Employment Contract)

- (7) Reeves v. Sanderson Plumbing Prod., Inc.
197 F.3d 688 (CA5 1999), rev'd, 530 U.S. 133 (2000)
(Age Discrimination in Employment Act)
- (8) McFadden v. United States Fidelity & Guar. Co.,
766 So. 2d 20 (Miss. App. 2000)
(Defamation, Intentional Interference with Contract)
- (9) Wertz v. Ingalls Shipbldg, Inc.,
790 So. 2d 841 (Miss. App. 2000)
(Wrongful Discharge Public Policy, Intentional Interference with Contract)
- (10) Baldwin v. Daniels,
250 F.3d 943 (CA5 2001)
(First Amendment Retaliation, Procedural Due Process)
- (11) CEF Enter., Inc. v. Betts,
838 So. 2d 999 (Miss. App. 2003)
(Personal Injury Adulterated Food)
- (12) Brown v. Packaging Corp. of Am.,
338 F.3d 586 (CA6 2003)
(Age Discrimination in Employment Act)
- (13) Jennings v. Patton,
644 F.3d 297 (CA5 2011)
(Judicial Immunity, Prosecution w/o Probable Cause)
- (14) Winstead v. Box,
No. 10-60265 (CA5 2011)
(Qualified Immunity Discovery, Arrest w/o Probable Cause)
- (15) Williams v. Hampton,
No. 12-60933 (CA5 2014)
(Eighth Amendment Failure to Protect)
- (16) Williams v. Hampton,
797 F.3d 276 (CA5 2015) (*en banc*)
(Eighth Amendment Failure to Protect)

(17) Mabry v. Lee County,

849 F.3d 232 (CA5 2017)

(Fourth Amendment Strip Search)

(18) Jauch v. Choctaw County,

874 F.3d 425 (CA5 2017), cert. denied, ___ U.S. ___ (2019)

(Fourteenth Amendment Due Process)

(19) Blake v. Lambert,

No. 18-60176 (CA5 2019)

(Fourth Amendment False Arrest)

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

JESSICA JAUCH

PLAINTIFF

VERSUS

CAUSE NO. 1:15-CV-00075-SA-RP

CHOCTAW COUNTY, ET AL.

DEFENDANTS

DECLARATION OF JIM WAIDE

I, Jim Waide, submit this Declaration pursuant to 28 U.S.C. § 1746.

1. I am very familiar with the legal work of Victor Fleitas, who is my former law partner and with whom I still associate on legal matters.

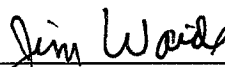
2. I am also very familiar with the prevailing and reasonable rates for the provision of legal services in civil rights cases in the Tupelo, Mississippi area, having practiced law in Tupelo for over thirty (30) years.

3. Based on my personal knowledge of Victor Fleitas, I know he is an outstanding trial lawyer with unusually good courtroom ability.

4. Based on my experience with Victor Fleitas, his legal work, and my knowledge of the prevailing and reasonable rates for legal services in the Tupelo, Mississippi area, I believe an hourly rate of \$325.00 would be fully justified and appropriate.

I declare under penalty of perjury that the above and foregoing is true and correct.

Executed on the 13th day of March, 2019.



JIM WAIDE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

JESSICA JAUCH

PLAINTIFF

VERSUS

NO. 1:15CV75-SA-RP

CHOCTAW COUNTY, ET AL.

DEFENDANTS

DECLARATION OF CLIFF JOHNSON

I, Cliff Johnson, submit this Declaration pursuant to 28 U.S.C. § 1746.

1. I am the Director of the MacArthur Justice Center at the University of Mississippi School of Law. I am quite familiar with the legal work of Victor Fleitas. We have consulted on multiple cases, and we currently are co-counsel in two active matters.

2. I have practiced law in Mississippi for over twenty-six years, and I am familiar with the prevailing and reasonable rates for the provision of legal services in federal civil rights cases in Mississippi.

3. Based on my personal knowledge of Victor Fleitas, I affirm that he is an outstanding trial lawyer and one of a small handful of lawyers with the experience and expertise necessary to handle a complex civil rights matter such as this one. Indeed, Mr. Fleitas is one of the finest civil rights lawyers in Mississippi.

4. Based on my personal knowledge of Victor Fleitas and my knowledge of the

prevailing and reasonable rates for legal services in federal civil rights cases in Mississippi, I believe an hourly rate of \$325.00 would be fully justified and appropriate.

I declare under penalty of perjury that the above and foregoing is true and correct.

Executed on March 12, 2019.


CLIFF JOHNSON (MSB #09383)